CHAPTER lxxxv.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Brighton Honiton Oxford Torquay and West Hartlepool. [3rd August 1910.]

A.D. 1910.

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto under the provisions of the Public Health Act 1875: 38 & 39 Vict. c. 55.

And whereas it is requisite that the said Orders should be confirmed by Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Orders in schedule confirmed.

1. The Orders as altered and set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1910.

[*Price* 1*s.* 6*d.*]

A.D. 1910.

SCHEDULE.

BOROUGH OF BRIGHTON.

Brighton Order.

Provisional Order for altering the Brighton Corporation Act 1896 *and the Brighton Corporation Act* 1901.

To the Mayor Aldermen and Burgesses of the Borough of Brighton; —

And to all others whom it may concern.

WHEREAS the Borough of Brighton (herein-after referred to as "the Borough") is an Urban Sanitary District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority;

And whereas there are in force in the Borough the unrepealed provisions of the Brighton Corporation Act 1896 and of the Brighton Corporation Act 1901 (which Acts are herein-after together referred to as "the Local Acts" and each of which Acts is herein-after referred to as the Act of the year in which it was passed);

59 & 60 Vict. c. ccxxi. 1 Edw. 7. c. ccxxiv.

And whereas by Section 23 of the Act of 1896 the Corporation are empowered from time to time to permit the use of the whole or to set apart any portion of certain lands referred to in that section for certain games (including golf gymnastics drill open-air concerts or any special purpose tending to promote the health amusement or enjoyment of the inhabitants of the Borough) and by Sections 24 26 27 28 29 30 and 32 of the Act of 1896 certain further powers were conferred upon the Corporation in relation to the use and setting apart of the whole or portions of the said lands by virtue of their powers under Section 23 as aforesaid;

And whereas by Section 77 of the Act of 1901 it was enacted that the above-mentioned sections of the Act of 1896 should subject to the provisions specified in that section extend and apply to so much of certain lands known as Hollingbury Park situate in the Parish of Patcham which the Corporation had then agreed to acquire and which were shown on the plan referred to in that section as might for the time being be used by the Corporation for the purposes of a park;

And whereas the Corporation have acquired or propose to acquire for the purposes of public walks and pleasure grounds certain additional lands described in the schedule to this Order and adjoining the lands known as Hollingbury Park and it is proposed to use such

additional lands for the purposes mentioned in Section 23 of the Act of 1896 or some of them; A.D. 1910.

Brighton Order.

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to alter or amend the Local Acts in the manner herein-after set forth:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Acts shall be altered so that the following provisions shall have effect that is to say:— 38 & 39 Vict. c. 55.

Art. I. The provisions of Sections 23 24 26 27 28 29 30 and 32 of the Act of 1896 shall extend and apply to so much of the lands described in the Schedule to this Order as the Corporation may permit to be used for any of the purposes specified in Section 23 of the Act of 1896: **Provisions of sections of Local Acts to extend and apply to lands described in schedule to this Order.**

Provided that the Corporation shall not in any one year close to the public for more than twelve days any portion exceeding one fourth part of the whole area comprising the park known as Hollingbury Park and the lands to which Section 77 of the Act of 1901 and this Order apply:

Provided also that nothing in this Order or in the said sections of the Act of 1896 shall prejudicially affect any prohibition or restriction which applies or would otherwise apply to the lands described in the Schedule to this Order by virtue of any conveyance grant agreement or other instrument affecting those lands.

Art. II. This Order may be cited as the Brighton Order 1910. **Short title.**

The SCHEDULE above referred to.

All those four pieces or parcels of land situate in the Parish of Patcham and comprising a total area of sixty-four acres or thereabouts which are coloured yellow purple blue and pink respectively on each of two maps which are marked "Map referred to in the Brighton Order 1910" and sealed with the official seal of the Local Government Board of which one is deposited in their office and the other shall within fourteen days from the date of this Order be deposited in the offices of the Corporation.

Given under the Seal of Office of the Local Government Board this Twenty-seventh day of April One thousand nine hundred and ten.

(L.S.)

John Burns President.
H. C. Monro Secretary.

A.D. 1910.

Honiton Order.

BOROUGH OF HONITON.

Provisional Order for repealing a Local Act of the 30th year of King George III. Chapter XXV. and a certain Confirming Act.

To the Mayor Aldermen and Burgesses of the Borough of Honiton;—
And to all others whom it may concern.

WHEREAS the Borough of Honiton (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban District Council and the local authority within the meaning of the Public Health Act 1875;

30 Geo. III. c. xxv.

48 Vict. c. i.

7 Edw. 7. c. clvii.

And whereas the unrepealed provisions of a Local Act passed in the thirtieth year of the reign of His late Majesty King George the Third and intituled "An Act for paving and otherwise improving the Town of Honiton in the County of Devon" (herein-after referred to as "the Local Act") as altered by the Honiton Order 1885 which was confirmed by the Local Government Board's Provisional Orders Confirmation Act 1885 and by the Honiton Order 1907 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1907 (each of which Orders and Confirming Acts is herein-after referred to as the Order or the Confirming Act as the case may be of the year wherein it was made or passed and both of which Orders and Confirming Acts are herein-after together referred to as "the Orders" and "the Confirming Acts") are in force in the Borough;

And whereas by Section 22 of the Local Act the Commissioners for the execution of the Local Act (herein-after referred to as "the Commissioners") who were the predecessors of the Corporation were empowered to erect and set up turnpikes and toll houses (herein-after referred to as "the toll houses") upon or across any part of any of the turnpike roads and entrances or avenues leading into the Town of Honiton within the limits of the Local Act and to demand and take the tolls therein set forth;

And whereas by the Local Act as altered by the Orders the Commissioners or the Corporation were empowered to levy rates;

And whereas in pursuance of subdivision (1) of Article II. of the Order of 1885 the Corporation for the purpose of making the payments referred to in that subdivision have borrowed upon the security of the rates authorised by the Local Act and of the district fund and general district rate of the Borough the sum of four thousand pounds (herein-after referred to as "the loan") for a period of thirty years from the date of the borrowing (herein-after referred to as "the prescribed period") of which sum there remained outstanding on the Thirty-first

day of March One thousand nine hundred and ten the sum of eight hundred pounds and the Corporation have established a sinking fund (herein-after referred to as "the sinking fund") for the repayment of the loan; A.D. 1910. *Honiton Order.*

And whereas by Article IV. of the Order of 1885 it was provided that when the whole of the sum or sums borrowed or re-borrowed under the powers conferred by that Order together with all interest thereon should have been defrayed or at such earlier date as might be decided on by the Corporation with the sanction of the Local Government Board the powers conferred by Section 22 of the Local Act should cease and be determined;

And whereas by virtue of a decision of the Corporation given in pursuance of Article IV. of the Order of 1885 and which was sanctioned by the Local Government Board by an Instrument dated the 6th day of April 1910 the powers conferred by Section 22 of the Local Act will cease and determine as from the 31st day of May 1910;

And whereas the Corporation have applied to the Local Government Board for the issue of a Provisional Order to repeal alter or amend the Local Act and the Confirming Acts so far as they relate to the Orders to the extent and in the manner herein-after set forth:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act and the Confirming Acts so far as they relate to the Orders shall be repealed and altered so that the following provisions shall take effect that is to say:— 38 & 39 Vict. c. 55.

Art. I.—(1) The unrepealed provisions of the Local Act as altered by the Orders and so much of the Confirming Act of 1907 as relates to the Order of 1907 shall be repealed. **Repeal of Local Act and Orders.**

(2) From and after the date upon which the loan is repaid by the Corporation so much of the Confirming Act of 1885 as relates to the Order of 1885 shall be repealed.

Art. II. The Corporation may sell or otherwise dispose of the tollhouses to such person or persons in such manner and for such consideration and on such terms and conditions as they think fit and the Corporation may make do and execute any deed act or thing proper for effectuating any such sale or other disposition and shall pay to the sinking fund all moneys in the nature of capital received by them in pursuance of this Article. **Authorising Corporation to sell or dispose of the tollhouses. Application of proceeds.**

Art. III.—(1) If the amount in the sinking fund together with any sums paid thereto under the provisions of Article II. of this Order and any accumulations thereon will not be sufficient to repay the loan **Any deficiency in sinking fund to be made good out of the district fund and general district rate.**

A.D. 1910.

Honiton Order.

within the prescribed period the deficiency shall be made good out of the district fund and general district rate of the Borough.

Saving for security for repayment of loans.

(2) Nothing in this Order shall prejudicially affect any security given in respect of the loan or the rights and powers of the persons entitled under the security to enforce the same.

Short titles.

Art. IV. This Order may be cited as the Honiton Order 1910 and the Honiton Orders 1885 and 1907 and this Order may be cited together as the Honiton Orders 1885 to 1910.

Given under the Seal of Office of the Local Government Board this Fifth day of May One thousand nine hundred and ten.

(L.S.)

John Burns President.
H. C. Monro Secretary.

CITY OF OXFORD.

Oxford Water Order.

Provisional Order for altering the Oxford (Corporation) Waterworks Act 1875 *and the Oxford (Corporation) Waterworks Act* 1885.

To the Mayor Aldermen and Citizens of Oxford;—

And to all others whom it may concern.

WHEREAS the City of Oxford (herein-after referred to as "the City") is an Urban Sanitary District of which the Mayor Aldermen and Citizens acting by the Council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority and the unrepealed provisions of the Oxford (Corporation) Waterworks Act 1875 the Oxford (Corporation) Waterworks Act 1885 (which Acts are herein-after collectively referred to as "the Water Acts" and each of which Acts is herein-after referred to as the Act of the year in which it was passed) and the Oxford Corporation Act 1890 (herein-after referred to as "the Act of 1890") are in force in the City;

38 Vict. c. xli.
48 Vict. c. xxiv.
53 & 54 Vict. c. ccxxiii.

And whereas by virtue of Section 6 of the Act of 1875 the limits within which the Corporation may supply water include the Parish of Headington in the Rural District of Headington in the County of Oxford (herein-after referred to as "the Parish");

And whereas by Section 7 of the Act of 1875 the Corporation were empowered to make and maintain the works referred to in that section including the reservoir more particularly described in Section 8 of the Act of 1875 and by Section 7 of the Act of 1885 the Corporation were empowered to make and maintain the works described in that Section;

And whereas by Section 28 of the Act of 1875 the Corporation were empowered to apply to the purposes of the Act of 1875 any sum not exceeding nineteen thousand pounds out of any of the moneys referred to in the said Section 28 and by Section 22 of the Act of 1885 the Corporation were empowered to borrow for the execution of the works by the Act of 1885 authorised and other the purposes of their water undertaking to which capital is properly applicable any sum or sums not exceeding in the whole the sum of fifty thousand pounds;

And whereas by Section 130 of the Act of 1890 the Corporation were empowered to exercise any statutory borrowing power which they might have by the creation and issue of Corporation stock and by Section 131 of the Act of 1890 it is provided that each statutory borrowing power of the Corporation shall be construed to authorise the Corporation to create and issue Corporation stock from time to time to such nominal amounts as in the aggregate will according to the price of issue produce the actual amount of money for the time being lawfully raisable by the Corporation under that power and by Sections 133 to 142 of the Act of 1890 provision is made with regard to the establishment of and contributions to a Loans Fund (herein-after referred to as "the Loans Fund") for payment of dividends on all Corporation stock and for redemption and extinction or purchase and extinction of all Corporation stock;

And whereas for the purpose of the supply of water to the Parish the Corporation purchased the land (herein-after referred to as "the scheduled land") described in the Schedule A. to this Order and in addition to the works authorised as aforesaid have constructed and are now maintaining the works on the scheduled land and the other works (herein-after referred to as "the scheduled works") described in the Schedule B. to this Order and the expenditure incurred by the Corporation in the purchase of the scheduled land and the construction of the scheduled works amounts in the whole to the sum of five thousand four hundred and seventy pounds two shillings and twopence;

And whereas the Corporation purporting to act in the exercise of the powers conferred upon them by Section 22 of the Act of 1885 have borrowed in the aggregate an amount which exceeds by the sum of five hundred and twenty-three pounds two shillings and twopence the sum of fifty thousand pounds which the Corporation were by that Section empowered to borrow for the execution of the works authorised by the Act of 1885 and other the purposes of their water undertaking and of the amount so borrowed the said sum of five hundred and twenty-three pounds two shillings and twopence and a further sum of three thousand two hundred and seventy-two pounds

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Oxford Water Order.

have been applied towards defraying the expenditure in respect of the purchase of the scheduled land and the construction of the scheduled works and the Corporation propose after the necessary powers have been conferred by this Order to borrow the balance of the said expenditure amounting to the sum of one thousand six hundred and seventy-five pounds;

And whereas the Corporation have created and issued Corporation stock in respect of the moneys borrowed as aforesaid and the amount of Corporation stock issued in respect of the said sum of five hundred and twenty-three pounds two shillings and twopence is herein-after referred to as "the excess stock";

And whereas the Corporation have applied to Us the Local Government Board for the issue of a Provisional Order to alter or amend the Water Acts in the manner herein-after set forth:

38 & 39 Vict. c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Water Acts shall be altered so that the following provisions shall take effect that is to say:—

Authorisation of purchase of scheduled land construction of works and expenditure.

Art. I. The Corporation shall be deemed to have been empowered by the Water Acts—

(A) to purchase and acquire the scheduled land and to hold and use the scheduled land for the purposes of their water undertaking;

(B) to construct and maintain the scheduled works;

(C) to apply the said sums of five hundred and twenty-three pounds two shillings and twopence and three thousand two hundred and seventy-two pounds towards defraying the cost of the purchase of the scheduled land and the construction of the scheduled works;

and the Water Acts and any enactments incorporated therewith or applied thereby shall apply and have effect accordingly.

Authorisation of issue of stock.

Art. II.—(1) The excess stock shall be deemed to have been created and issued in pursuance of the provisions of the Act of 1890 in the exercise of a statutory borrowing power enabling the Corporation to borrow in addition to the amount authorised to be borrowed under subsection (2) of Section 22 of the Act of 1885 the sum of five hundred and twenty-three pounds two shillings and twopence for the purposes of their water undertaking.

(2) The contributions to the loans fund for payment of dividends on and for redemption and extinction or purchase and extinction of the excess stock shall be made out of the revenue of their

water undertaking and the borough fund of the City and for the purpose of calculating the contributions to be made to the loans fund for redemption and extinction or purchase and extinction of the excess stock the excess stock shall be deemed to have been issued in respect of a loan required to be repaid within the period of twenty years from the date of issue of the excess stock.

Additional borrowing powers.

Art. III. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow on the security of the revenue of their water undertaking and the borough fund of the City or upon either of those securities such further moneys as may from time to time be required for the purposes of their water undertaking including the said sum of one thousand six hundred and seventy-five pounds.

Local Loans Act and certain provisions of Public Health Act made applicable.

Art. IV. For the purposes of raising money in the exercise of the powers of borrowing conferred by this Order the provisions of the Local Loans Act 1875 shall be available to the Corporation and Sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed on mortgage under this Order.

Period for repayment of borrowed moneys.

Art. V. The moneys borrowed under Article III. of this Order shall be repaid within such period not exceeding sixty years from the date of borrowing as the Corporation with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall with reference to the moneys to be repaid be the prescribed period for the purposes of this Order and of the Local Loans Act 1875.

Mode of repayment.

Art. VI.—(1) The Corporation shall repay the moneys borrowed under this Order (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them.

Formation maintenance and application of sinking fund.

(2) Subject to the provisions of Article VII. of this Order if the Corporation determine to repay by means of a sinking fund any moneys borrowed under this Order the sinking fund shall be formed and maintained either—

(A) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(B) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate

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not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(3) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by Section 34 of the Local Loans Act 1875 but exclusive in every case of the securities of the Corporation and the Corporation shall be at liberty from time to time to vary and transpose the investments.

(4) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(5) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(6)—(*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation:

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards those equal annual payments.

(7) Any expenses connected with the formation maintenance investment application or management of or otherwise in relation to any sinking fund under this Order shall be paid by the Corporation in addition to the payments provided for by this Order.

Oxford Water Order.

Art. VII.—(1) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

Increase reduction or discontinuance of payments to sinking fund.

(2) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(3) If in the opinion of the Local Government Board the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Board approve.

(4) If in the opinion of the Local Government Board the amount in any sinking fund at any time together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of the Board discontinue the equal annual payments to the sinking fund until the Board otherwise direct.

(5) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

Surplus of sinking fund.

Art. VIII.—(1) The Corporation shall have power—

Power to re-borrow.

(A) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(B) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

A.D. 1910.

Oxford Water Order.

(2) Any moneys borrowed under this Article shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this Article.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) by instalments or annual payments; or

(B) by means of a sinking fund; or

(C) out of moneys derived from the sale of land; or

(D) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Application of borrowed moneys.

Art. IX. All moneys from time to time borrowed under this Order shall be applied by the Corporation only for the purposes for which the same are respectively authorised to be borrowed excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Corporation with the approval of the Local Government Board determine.

Receiver.

Art. X.—(1) Subject to the provisions of this Article any mortgagee of the Corporation in respect of a mortgage under this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver.

(2) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him:

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or more mortgagees to the applicants collectively be not less than five hundred pounds in the whole.

Return as to provision for repayment of debt.

Art. XI.—(1) The town clerk shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder

and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may from time to time be prescribed by the Board and if required by the Board verified by statutory declaration of the town clerk showing for the year next preceding the making of the return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make the return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of that penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether the instalment or annual payment or sum is required by this Order or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than an authorised purpose the Board may by order direct that the sum in their order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as is mentioned in the said order and any such order shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

Inquiries and expenses.

Art. XII. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Water Acts or of this Order the costs incurred by the Board in relation to that inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in the inquiry) shall be paid by the Corporation and the Board may certify the amount of the costs so incurred and any sum so certified and directed by the Board to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

Short title.

Art. XIII. This Order may be cited as the Oxford Water Order 1910.

A.D. 1910.

Oxford Water Order.

The SCHEDULES above referred to.

SCHEDULE A.

All that piece of land containing one acre two roods and thirteen poles or thereabouts situate at Shotover Hill in the parish of Forest Hill with Shotover in the Rural District of Headington in the County of Oxford and being part of the property numbered 80 on the $\frac{1}{2500}$ Ordnance Map (Edition 1899) of the said parish which was acquired by the Corporation under an indenture dated the twenty-fifth day of October one thousand nine hundred and two and expressed to be made between George Taylor of the one part and the Corporation of the other part.

SCHEDULE B.

(1) A service reservoir on the scheduled land and a road of access thereto.

(2) A pumping station engine and machinery at and in connection with the reservoir the construction of which was authorised by the Act of 1875 and which is described in Section 8 of the Act of 1875.

(3) A conduit or main pipe two miles one furlong and one hundred and forty-seven yards or thereabouts in length commencing at the pumping station referred to in paragraph (2) of this Schedule and terminating at the service reservoir referred to in paragraph (1) of this Schedule.

(4) A conduit or line of pipes three furlongs and one hundred and seventy-five yards or thereabouts in length commencing at the service reservoir referred to in paragraph (1) of this Schedule and terminating at Headington Quarry in the Parish.

(5) Mains pipes and other works apparatus and conveniences constructed laid down and used by the Corporation for the purposes of their water undertaking in or upon the scheduled land or elsewhere within the parish of Forest Hill with Shotover in the Rural District of Headington in the County of Oxford.

All which works are more particularly delineated and shown upon two plans each of which is marked "Plan of the works constructed " by the Corporation of Oxford for the supply of water to the Parish " of Headington" and sealed with the seal of office of the Local

Government Board

One of the said plans is deposited in the office of the Local Government Board and the other shall within one month from the date of this Order be deposited by the town clerk at his office.

A.D. 1910.

Oxford Water Order.

Given under the Seal of Office of the Local Government Board this Second day of June One thousand nine hundred and ten.

(L.S.)

John Burns President.
H. C. Monro Secretary.

BOROUGH OF TORQUAY.

Provisional Order for partially repealing and altering the Torquay Harbour and District Act 1886.

Torquay Order.

To the Mayor Aldermen and Burgesses of the Borough of Torquay;—

And to all others whom it may concern.

WHEREAS the Borough of Torquay (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban District Council and the local authority within the meaning of the Public Health Act 1875 and the unrepealed provisions of the Torquay Harbour and District Act 1886 (herein-after referred to as "the Local Act") as altered by certain Provisional Orders which were duly confirmed by Parliament but do not affect the subject-matter of this Order are in force in the Borough;

49 & 50 Vict. c. cxix.

And whereas by Section 12 of the Local Act the Local Board of Health for the District of Torquay who were the predecessors of the Corporation were empowered to purchase by agreement lands to an extent not exceeding one acre for the purpose of erecting thereon a new town hall with requisite offices and conveniences (herein-after referred to as "the new town hall") and to construct and furnish the new town hall at an expense not exceeding ten thousand pounds and by Section 45 of the Local Act the said Local Board were empowered to borrow on the security of the district fund and general district rates for the site of and the construction of the new town hall the sum of nine thousand pounds and for the furnishing of the new town hall the sum of one thousand pounds;

And whereas in the exercise of the aforesaid powers the Corporation purchased certain land situated at or near the junction of Lymington Road and Saint Mary Church Road in the Borough and for the purpose of the said purchase borrowed the sum of three thousand three hundred pounds;

A.D. 1910.

Torquay Order.

55 & 56 Vict. c. 53.

And whereas in pursuance of the Public Libraries Act 1892 the Corporation have appropriated for the purposes of the said Act part of the land purchased as aforesaid and the remainder of the said land is herein-after referred to as "the new town hall site";

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to partially repeal alter or amend the Local Act in the manner herein-after set forth:

38 & 39 Vict. c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be partially repealed and altered so that the following provisions shall take effect that is to say:—

Repeal.

Art. I.—(1) So much of the Local Act as enables the Corporation to borrow moneys for the purchase of the site of and for the construction and furnishing of the new town hall shall except so far as the same has already been acted upon be repealed.

(2) So much of the Local Act as limits the amount which the Corporation may expend upon the construction and furnishing of the new town hall shall be repealed.

Provision maintenance use and improvement of buildings.

(3) The Local Act shall have effect so as to enable the Corporation to provide maintain use and improve on the new town hall site any building or accommodation necessary or proper for such purposes connected with the business and administrative requirements of the Corporation and of the Borough and for other public or local purposes including meetings and assemblies as the Corporation think fit and for any such purpose to demolish rebuild adapt alter enlarge or improve any existing building on the new town hall site and further to provide and maintain such conveniences apparatus fittings or furniture as they think fit for or in connexion with any such building or accommodation as aforesaid.

Authorisation of use and letting of buildings.

(4) The Corporation may authorise upon such terms and subject to such conditions and regulations and for such public or local purposes as they deem expedient the use of any buildings or accommodation provided by them in pursuance of this Article and may also let the same for any such purposes for such reasonable sum by way of rent and otherwise upon such terms and subject to such conditions and regulations as they think fit.

Expenses application of revenue and borrowing powers.

Art. II.—(1) The expenses of the Corporation in the execution of this Order shall be defrayed out of the district fund and general district rate of the Borough and the Corporation shall carry to the account of the said district fund and shall apply as part of that fund

all moneys arising from the use or letting of the said lands or buildings under Article I. of this Order.

(2) The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the district fund and general district rate of the Borough such sums as may from time to time be necessary for the purposes of subdivision (3) of Article I. of this Order and for the purpose of defraying any expenses under this Order which are properly chargeable to capital.

Local Loans Act and certain provisions of Public Health Act made applicable.

Art. III. For the purpose of raising money in the exercise of the powers of borrowing conferred by this Order the provisions of the Local Loans Act 1875 shall be available to the Corporation and Sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed on mortgage under this Order.

Period for repayment of borrowed moneys.

Art. IV. The moneys borrowed under Article II. of this Order shall be repaid within such period not exceeding thirty years from the date of borrowing as the Corporation with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall with reference to the moneys to be repaid be the prescribed period for the purposes of this Order and of the Local Loans Act 1875.

Mode of repayment.

Art. V.—(1) The Corporation shall repay the moneys borrowed under this Order (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them.

Formation maintenance and application of sinking fund.

(2) Subject to the provisions of Article VI. of this Order if the Corporation determine to repay by means of a sinking fund any moneys borrowed under this Order the sinking fund shall be formed and maintained either—

(*a*) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(*b*) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

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(3) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by Section 34 of the Local Loans Act 1875 but exclusive in every case of the securities of the Corporation and the Corporation shall be at liberty from time to time to vary and transpose the investments.

(4) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(5) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(6)—(*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation :

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards those equal annual payments.

(7) Any expenses connected with the formation maintenance investment application or management of or otherwise in relation to any sinking fund under this Order shall be paid by the Corporation in addition to the payments provided for by this Order.

Increase reduction or discontinuance of payments to sinking fund.

Art. VI.—(1) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it

shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(2) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(3) If in the opinion of the Local Government Board the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Board approve.

(4) If in the opinion of the Local Government Board the amount in any sinking fund at any time together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of the Board discontinue the equal annual payments to the sinking fund until the Board otherwise direct.

Surplus of sinking fund.

(5) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

Power to re-borrow.

Art. VII.—(1) The Corporation shall have power—

(A) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(B) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this Article shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this Article.

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(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) by instalments or annual payments; or

(B) by means of a sinking fund; or

(C) out of moneys derived from the sale of land; or

(D) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Application of borrowed moneys.

Art. VIII. All moneys from time to time borrowed under this Order shall be applied by the Corporation only for the purposes for which the same are respectively authorised to be borrowed excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Corporation with the approval of the Local Government Board determine.

Receiver.

Art. IX.—(1) Subject to the provisions of this Article any mortgagee of the Corporation in respect of a mortgage under this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver.

(2) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him:

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or more mortgagees to the applicants collectively be not less than five hundred pounds in the whole.

Return as to provision for repayment of debt.

Art. X.—(1) The town clerk shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may from time to time be prescribed by the Board and if required by the Board verified by statutory declaration of the town clerk showing for the year next preceding the making of the return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which

have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make the return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of that penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether the instalment or annual payment or sum is required by this Order or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than an authorised purpose the Board may by order direct that the sum in their order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as is mentioned in the said order and any such order shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

Art. XI. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Local Act or of this Order the costs incurred by the Board in relation to that inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in the inquiry) shall be paid by the Corporation and the Board may certify the amount of the costs so incurred and any sum so certified and directed by the Board to be paid by the Corporation shall be a debt due to the Crown from the Corporation. Inquiries and expenses.

Art. XII. This Order may be cited as the Torquay Order 1910. Short title.

Given under the Seal of Office of the Local Government Board this Twenty-seventh day of May One thousand nine hundred and ten.

(L.S.) John Burns President.
Noel T. Kershaw Assistant Secretary.

A.D. 1910.

West Hartlepool Order.

BOROUGH OF WEST HARTLEPOOL.

Provisional Order for altering the West Hartlepool Extension and Improvement Act 1870.

To the Mayor Aldermen and Burgesses of the Borough of West Hartlepool;—

And to all others whom it may concern.

WHEREAS the Borough of West Hartlepool (herein-after referred to as "the Borough") is an Urban Sanitary District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority and there are in force in the Borough the unrepealed provisions of the West Hartlepool Extension and Improvement Act 1870 (herein-after referred to as "the Local Act") as altered by a Provisional Order of the Local Government Board dated the Third day of March One thousand eight hundred and eighty-three (herein-after referred to as "the Order") which was duly confirmed by the Local Government Board's Provisional Order Confirmation (No. 2) Act 1883 and by certain other Provisional Orders which were duly confirmed by Parliament but do not affect the subject-matter of this Order;

33 & 34 Vict. c. cxiii.

46 & 47 Vict. c. ccxxiv.

And whereas by virtue of the Local Act as altered by the Order the Corporation are authorised to make and levy a rate called the improvement rate for the purpose of raising the amount required to pay the expenses payable out of the improvement fund authorised by the Local Act and a rate called the highway rate;

And whereas by Section 374 of the Local Act as altered by Article XXI. of the Order it is enacted that the owner instead of the occupier of the property shall be rated to the said improvement and highway rates in the following cases namely:—

(1) Where the rateable value of the property rated does not exceed the sum of ten pounds per annum;

(2) Where buildings or lands are let to weekly or monthly tenants;

(3) Where buildings are let in separate apartments;

(4) Where the rents become payable or are collected at any shorter period than quarterly;

and by virtue of the said Section as altered as aforesaid where the owner is so rated instead of the occupier the Corporation are required from time to time to compound with the owner for the payment of

the said rates on such reduced estimate not being less than two-thirds of the annual rateable value as they think reasonable and the amount of such composition is recoverable as rates under the Local Act and the composition is required to be the same to each owner and to be paid whether the property is occupied or not;

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to alter or amend the Local Act in the manner herein-after set forth:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be further altered so that the following provisions shall take effect that is to say:— 38 & 39 Vict. c. 55.

Alteration of enactment as to compounding for rates.

Art. I.—(1) Notwithstanding anything contained in Section 374 of the Local Act as altered as aforesaid it shall be at the option of the Corporation to rate in the cases specified in the said Section the owner instead of the occupier of property in respect of the improvement rate and the highway rate leviable under the Local Act as altered as aforesaid Provided nevertheless that in cases where the Corporation under the provisions of this Article rate the occupier and the occupier holds the property in respect of which he is rated under a lease granted before the passing of the Act confirming this Order for a term longer than one year he shall (unless it is provided in such lease that the lessee shall pay the rate) be entitled to deduct the amount of the rate paid by him from the rent due to the owner until the expiration of such lease.

(2) The provisions contained in Section 374 of the Local Act with respect to compounding shall cease to apply and in any case in which the owner instead of the occupier is rated in pursuance of subdivision (1) of this Article—

(A) an abatement or deduction of such sum as the Corporation deem reasonable not being less than twenty per centum nor more than twenty-five per centum from the amount of the rate shall be allowed to the owner; and

(B) where the owner agrees with the Corporation for any term not being less than one year from the date of the agreement to pay the rates whether the property is occupied or not there may during the continuance of the agreement be allowed to the owner such further abatement or deduction not exceeding twenty-five per centum from the amount of the rate as may be fixed by the agreement.

A.D. 1910.

West Hartlepool Order.

Short title.

Art. II. This Order may be cited as the West Hartlepool Order 1910.

Given under the Seal of Office of the Local Government Board this Second day of June One thousand nine hundred and ten.

(L.S.)

John Burns President.
H. C. Monro Secretary.

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